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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,766	05/31/2001	Makoto Fujiwara	60188-075	5700

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MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/867,766	FUJIWARA, MAKOTO	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment, and remarks therein, received on 3/28/2005 have been entered and carefully considered.
2. The Amendment introduces new limitations into the original claims 1-5. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.
4. Claims 1-5 have been examined.
5. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "storing ... data ... address by address" is not understood. For purposes of further examination the phrase is indicating that the data is stored at different addresses. The meaning of "Read out from the ROM address by address" is similarly treated.
6. The term "substantially the same" is not clear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2134

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Hartung et al. (U.S. Patent 4438512) in view of Admitted Prior Art (APA).

8. As per claim 1 as best understood *Hartung et al.* teach a data storage unit 10 that stores the plurality of data and plurality of CRCs (col. 3 lines 41-43). This reads on a storage data unit for storing data thereon address by address, and on a storage device for storing plural redundancy check data (CRC) address by address.

Fig. 2 and col. 3 lines 68- col. 4 line 1 teach data with a corresponding CRC and it is inherent that a CRC is derived by performing a predetermined calculation on the corresponding data.

Hartung et al. teach a CRC generator and compare circuits/programs that result in a data error being detected (col. 4 lines 33-36 and 55-col 5line 29). This reads on a tester that includes a checker and comparing the checker calculation with each of the corresponding plural CRC data that is stored in the storage device address by address.

Although, *Hartung et al.* does not explicitly teach that the checker performs substantially the same calculation as the predetermine calculation on each of the plural data, the limitation is inherent. In order to establish data integrity CRC must

Art Unit: 2134

be calculated in substantially the same manner so that the result is the same for each of the calculation on the same data.

9. *Hartung et al.* do not teach that the storage is ROM and do not explicitly teach that the plurality of data stored in the ROM is confidential data.

Admitted Prior Art (APA) teaches a ROM for storing plural confidential data thereon address by address (*Fig. 4 and the specification pg. 1*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Hartung et al.*'s invention into the known ROM as taught by APA. One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure integrity of the confidential data.

10. As per claim 2 CRC is stored within the data storage unit.

11. As per claim 3 *Hartung et al.* teach that each of the plural CRCs and the plural confidential data are stored at mutually different address (*Fig. 2 and col. 3 lines 38-55*), where (*claim 4*) each of the plural confidential data is stored at certain data bit positions of an address and CRC at remaining data bit positions of the same address (*Fig. 4*).

12. Claim 5 is substantially equivalent to claim 1; therefore claim 5 is similarly rejected.

13. Claims 1-5 remain rejected under 35 U.S.C. 103(a) as being unpatentable over *Hartung et al.* (U.S. Patent 4438512) in view *Katsuta* (U.S. Patent 5671394).

14. As per claim 1 as best understood *Hartung et al.* teach a data storage unit 10 that stores the plurality of data and plurality of CRCs (*col. 3 lines 41-43*). This reads on a

Art Unit: 2134

storage data unit for storing data thereon address by address, and on a storage device for storing plural redundancy check data (CRC) address by address.

Fig. 2 and col. 3 lines 68- col. 4 line 1 teach data with a corresponding CRC and it is inherent that a CRC is derived by performing a predetermined calculation on the corresponding data.

Hartung et al. teach a CRC generator and compare circuits/programs that result in a data error being detected (*col. 4 lines 33-36 and 55-col 5line 29*). This reads on a tester that includes a checker and comparing the checker calculation with each of the corresponding plural CRC data that is stored in the storage device address by address.

Although, *Hartung et al.* does not explicitly teach that the checker performs substantially the same calculation as the predetermine calculation on each of the plural data, the limitation is inherent. In order to establish data integrity CRC must be calculated in substantially the same manner so that the result is the same for each of the calculation on the same data.

15. *Hartung et al.* do not teach that the storage is ROM and do not explicitly teach that the plurality of data stored in the ROM is confidential data.

Katsuta teach a ROM for storing plural confidential data thereon address by address (*Fig. 3 and col. col. 8 lines 42-44*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Hartung et al.*'s invention into the ROM as taught by *Katsuta*.

One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure integrity of the confidential data.

16. As per claim 2 CRC is stored within the data storage unit.
17. As per claim 3 *Hartung et al.* teach that each of the plural redundancy check data and the plural confidential data are stored at mutually different address (*Fig. 2 and col. 3 lines 38-55*), where (*claim 4*) each of the plural confidential data is stored at certain data bit positions of an address and CRC at remaining data bit positions of the same address (*Fig. 4*).
18. Claim 5 is substantially equivalent to claim 1; therefore claim 5 is similarly rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2134

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature

Date

David Y. Jung
Primary Examiner


